

AO91 (Rev. 12/03) Criminal Complaint

## UNITED STATES DISTRICT COURT

WESTERN DISTRICT OF TEXAS, PECOS DIVISION

FILED

MAR 09 2015

CLERK, U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
DEPUTY

UNITED STATES OF AMERICA

V.

Fredy NOLASCO-Garcia

CRIMINAL COMPLAINT

Case Number:

7-15-m-220

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about 3/6/2015 in Pecos County, in the Western District Of Texas defendant(s) did, did enter and or was found in the United States after having been previously arrested and deported, removed, excluded or denied admission from the United States and permission to reapply for admission was not granted by the Secretary of Homeland Security; and the Defendant failed to establish that he was not required to obtain the consent of the Secretary of Homeland Security or the Attorney General prior to entering the United States pursuant to 6 USC section 202(3), 202(4) and 557,

in violation of Title 8 United States Code, Section(s) 1326(a)(1)

I further state that I am a(n) Border Patrol Agent and that this complaint is based on the

## following facts:

The Defendant, Fredy NOLASCO-Garcia, was arrested by Midland Border Patrol Agents, on March 6, 2015 for being an alien illegally present in the United States. Investigation and records of the Citizenship and Immigration Services reveal the Defendant was previously deported, removed or excluded from the United States on May 9, 2014 through Phoenix, Arizona. The Defendant was found in the Western District of Texas without having obtained permission from the Secretary of Homeland Security to re-apply for admission after being deported, removed or excluded. The Defendant is unlawfully present in the United States.

Defendant is a national and citizen of Guatemala.

Continued on the attached sheet and made a part hereof:

FILING OF COMPLAINT  
APPROVED BY  
U.S. ATTORNEY

☒ Yes ☐ No

Signature of Complainant

Fernando Montemayor

Printed Name of Complainant

Sworn to before me and subscribed in my presence,

3/9/2015

Date

B. Goains

Name & Title of Judicial Officer

U.S. Magistrate Judge

at

Alpine, TX

City/State

Signature of Judicial Officer

## CONTINUATION OF CRIMINAL COMPLAINT

Fredy NOLASCO-Garcia

### FACTS (CONTINUED)

The Defendant was apprehended as part of the Retributive Justice Initiative.

#### Immigration History:

The Defendant has been Removed / Deported to his native country of Guatemala 2X the latest on 05/09/2014, PHOENIX, AZ.

#### Criminal History:

Arrest Date 2014-03-26

Arresting: CBP-OBP STATION

Charge Literal 8 USC 1325 ILLEGAL ENTRY (M)

Disposition ( 03-28-14 CONVICTED,SENTENCED TO 30 DAYS  
IMPRISONMENT)

Disposition ( 5/9/14-DEPORT TO GUATEMALA VIA PHOENIX, AZ)